

REMARKS

In the Office Action, the Examiner rejected claims 1-9, 11-22, and 24-65. Applicants canceled claims 10 and 23 in a previous communication. For at least the reasons set forth below, Applicants respectfully submit that all of pending claims 1-9, 11-22, and 24-65 are allowable in their present form. By the present Response, however, Applicants amend claims 58-63 to further clarify the claimed subject matter. Upon entry of the amendments, claims 1-9, 11-22, and 24-65 will remain pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the following remarks.

As an initial matter, Applicants note the unnecessarily prolonged examination of the present application. While Applicants appreciate the Examiner's apparent desire to be thorough, Applicants respectfully submit that the rejection set forth in the present (fourth) non-final Office Action, similar to the rejections provided in the first three non-final Office Actions, exhibits a fundamental misunderstanding or miscomprehension of either the prior art or the specification and claims of the present application. In a sincere effort to advance the present application, Applicants respectfully submit that reference to the exemplary embodiment illustrated in FIG. 3 may be of particular use to the Examiner in understanding the present application and construing certain recitations of the claims. *See* Application, paragraphs [0028]-[0029]; FIG. 3.

For this reason, Applicants respectfully request reconsideration of the present application in view of the following remarks, and allowance of the present claims. Although Applicants readily believe that the Examiner will understand that the present rejection is clearly erroneous upon reconsideration, Applicants kindly invite the Examiner to contact the undersigned representative to discuss the clear distinctions between the present claims and the cited reference. Additionally, if the Examiner, even upon reconsideration, somehow believes that the claims are not in condition for allowance,

Applicants respectfully request that the Examiner call the undersigned representative to schedule an interview between the undersigned and the Examiner's supervisor to discuss the inordinately and unnecessarily prolonged examination of this case and any remaining issues to advance the application toward issuance.

Incomplete Action

As a preliminary matter, it should be noted that *each claim* is independently patentable and must be addressed individually to properly account for the unique aspects recited therein. In the Office Action, the Examiner provided a blanket rejection that summarily grouped claims 1-9, 11-22, and 24-65 together and provided an incomplete list of various subject matter recited by only some of these claims that does not refer to any of the claims by number. *See* Office Action mailed July 6, 2006, pages 2-3. Upon review, it appears that the present Office Action fails to provide any rationale or support for the rejection of at least claims 11-17, 19, 24, 27, 28, 30, 35-39, 48-55, 64, and 65.

Because the Examiner did not specifically or substantively address the subject matter of a number of these claims, Applicants respectfully assert that the wholesale rejection of claims 1-9, 11-22, and 24-65 is legally deficient in view of 37 C.F.R. § 1.104. Applicants respectfully remind the Examiner of his duties and obligations under 37 C.F.R. § 1.104 and M.P.E.P. § 707.07, and request that the Examiner clarify his rejection and specifically cite the presently recited features in a future non-final Office Action such that Applicants may have an adequate opportunity to properly respond.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-9, 11-22, and 24-65 under 35 U.S.C. § 102(e) as anticipated by the Schmitt reference (U.S. Patent No. 6,394,353). Because this reference fails to provide each and every element of the present claims, Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Omitted Features of Independent Claims 1, 22, 31, 44, and 58

Turning now to the present claims, the Schmitt reference fails to disclose each element of independent claims 1, 22, 31, 44, and 58. For instance, independent claim 1 recites “a dynamic configuration system for the plurality of medical diagnostic components.” Claim 1 also recites that the dynamic configuration system comprises “a configuration data distributor” and “a component-specific data extractor” of *multi-component configuration data*. Further, independent claim 22 recites both “a configuration data provider” and “a configuration data broadcaster” of *multi-component configuration data*. Independent claim 31 recites “a configuration data receiver for a distributable multi-component configuration file” and “a configuration data extractor of the extractable component-specific application data.” Additionally, independent claim 44 recites “distributing multi-component configuration data comprising extractable component-specific configuration data for a plurality of medical diagnostic components.” Independent claim 44 also recites “extracting the extractable component-specific configuration data ... at each component of the plurality of medical diagnostic components” and “processing the extractable component-specific configuration data extracted at each

component.” Additionally, independent claim 58 recites “machine-readable code supported on the medium and comprising a broadcasting multi-component configuration system adapted to provide a multi-component configuration file having extractable component-specific configuration data for a plurality of medical diagnostic components.” Because the Schmitt reference fails to disclose these elements, the cited reference fails to anticipate independent claims 1, 22, 31, 44, and 58.

As will be appreciated by one skilled in the art, the Schmitt reference is directed to a medical system having one or more device components and a control arrangement. Col. 1, lines 8-10. Notably, the Schmitt system includes a number of components, including mounting device 1, radiation receiver 3, mounting plate 5, radiation transmitter 7, and radiation diaphragm 9. Col. 2, lines 14-22. Each of the components 1, 3, 5, 7, and 9 is connected to a respective code reader 2, 4, 6, 8, and 10 that reads a component-specific code of the coupled component. *Id.* The system also includes a control arrangement or unit 11, which sends control signals to, and/or receives status or parameter signals from, the components 1, 3, 5, 7, and 9. Col. 2, lines 22-28. Further, each of the code readers 2, 4, 6, 8, and 10 reads the component-specific code of the component to which it is coupled (i.e., identifies the component) and transmits the code to the control unit 11. *Id.* Schmitt then teaches that the *control unit 11* may be configured based on the identification of the components 1, 3, 5, 7, and 9. Col. 2, lines 28-32; *see also* col. 1, lines 50-53 (“If and when a reconfiguration of the control arrangement becomes necessary, the reconfiguration can be undertaken on the basis of the code read by the code reader.”); col. 4, lines 5-14 (claiming “said control unit, upon receipt of said code, being reconfigured to control said medical diagnostic procedure differently dependent on said presence of said at least one medical device component.”).

In short, the Schmitt reference discloses, at best, a control unit that may be configured based on the identity of the components (through codes associated with the

units) to which it is connected. However, while the Schmitt reference does mention configuration of the *control unit* based on individual device components, the cited reference cannot be reasonably relied upon as disclosing a host of elements recited by independent claims 1, 22, and 31, including: “a configuration data distributor of multi-component configuration data” (nothing in the Schmitt reference suggests *distribution* of *configuration* data, rather than identification codes), “a component-specific data extractor of the multi-component configuration data,” or any one of a configuration data receiver, extractor, processor, provider, or broadcaster of *multi-component configuration data*. Again, the Schmitt reference merely discloses configuration of a control unit based on identification codes of attached components 1, 3, 5, 7, and 9. The cited reference simply fails to disclose, teach, or even hint at distribution of multi-component configuration data, extraction of component-specific application data from the multi-component configuration data, or any of the other claim recitations noted above.

For similar reasons, the Schmitt reference necessarily fails to disclose “distributing *multi-component* configuration data” or the extracting and processing of such data, as recited by independent claim 44. Likewise, the Schmitt reference cannot be rationally considered to disclose “machine-readable code supported on the medium and comprising a broadcasting multi-component configuration system *adapted to provide a multi-component configuration file having extractable component-specific configuration data* for a plurality of medical diagnostic components” (emphasis added), as recited in independent claim 58. As a result of these numerous and readily apparent deficiencies, the Schmitt reference cannot support a *prima facie* case of anticipation with respect to independent claims 1, 22, 31, 44, and 58, and their respective dependent claims.

For at least these reasons, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102 and allowance of claims 1-9, 11-22, and 24-65.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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L. Lee Eubanks IV
Reg. No. 58,785
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545